

FAX TRANSMISSION**RECEIVED
CENTRAL FAX CENTER****FEB 24 2005****DATE:** February 24, 2005**PTO IDENTIFIER:** Application Number 10/027,913
Patent Number**Inventor:** Gojendra Nath BORDOLOI, et al.**MESSAGE TO:** Examiner Irene Marx
US Patent and Trademark Office**FAX NUMBER:** (571) -273-8300**FROM:** DARBY & DARBY P.C.
Sandra S. Lee**PHONE:** (212) 527-7735**Attorney Dkt. #:** 03108/000K142-USO**PAGES (Including Cover Sheet):** 48**CONTENTS:** Re-Submission of Priority Document (2 pages);
Copy of the previously submitted Amendment filed July 30, 2004 in its entirety with Exhibits
A-D, proof of the Certificate of Mailing and the return postcard from the Patent and Trademark
Office confirming receipt (44 pages); and
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PTO/SB/97 (09-04)

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U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/027,913

Attorney Docket No.: 03108/000K142-USO

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on February 24, 2005
Date


Signature

Selina Chan

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Dated: _____ Signature: _____

Docket No.: 03108/000K142-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
CENTRAL FAX CENTER**

FEB 24 2005

In re Patent Application of:
Gojendra Nath BORDOLOI, et al.

Application No.: 10/027,913

Filed: December 20, 2001

Art Unit: 1651

For: 2-METHYLHEPTYLISONICOTINATE AND
PROCESS FOR PRODUCTION THEREOF

Examiner: Irene Marx

RE-SUBMISSION OF PRIORITY DOCUMENT

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is in response to the Notice of Allowance mailed February 2, 2005 indicating that the certified copy of the priority document was not received.

Per the Examiner's request, please find attached a copy of the previously submitted Amendment filed July 30, 2004 in its entirety with Exhibits A-D, proof of the Certificate of mailing, and the return postcard from the Patent and Trademark Office confirming receipt. Applicants previously submitted the priority document at Exhibit C on July 30, 2004, with explicit reference to the submission on page 8 of the Amendment.

{W:\03108\000K142000\00370660.DOC \#03108\000K142000\00370660.DOC }

Application No.: 10/027,913

2

Docket No.: 03108/000K142-US0

The Examiner is requested to acknowledge receipt of the priority document in a Supplemental Notice of Allowance.

Dated: February 24, 2005

Respectfully submitted,

By Sandra Lee

Sandra S. Lee

Registration No.: 51,932

DARBY & DARBY P.C.

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(212) 527-7700

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Attorneys/Agents For Applicant

{W:\03108\000K142000\00370660.DOC *03108000K142000* }

Atty Docket No.: 03108/000K142-USO

Inventor:

Appin: 10027,913 Filed: December 20, 2001

Title: 2-METHYLHEPTYLISONICOTINATE AND PROCESS
FOR PRODUCTION THEREOFs

Documents:

Three Month Request for Extension of Time Under 37 CFR 1.136a
(1 page);Amendment in Response to Non-Final Office Action (8 pages) with
Exhibit A to Exhibit D;

Amendment Transmittal (1 page);

Fee Transmittal (1 page);

Check in the amount of \$950.00 (Check No. 5680); and

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2996170568-US

DBP ← Sender Initials: SSL/sc Date: July 30, 2004

{W:\03108\000K142000\00233130.DOC *03108000K142000* }

Atty Docket No.: 03108/000K142-US0

Inventor:

Appln: 10/027,913 Filed: December 20, 2001
Title: 2-METHYLHEPTYLISONICOTINATE AND PROCESS
FOR PRODUCTION THEREOFS

Documents:

Three Month Request for Extension of Time Under 37 CFR 1.138(a)
(1 page);

Amendment in Response to Non-Final Office Action (9 pages) with
Exhibit A to Exhibit D;

Amendment Transmittal (1 page);

Fee Transmittal (1 page);

Check in the amount of \$950.00 (Check No. 5650); and

Certificate of Express Mailing Under 37 CFR 1.10 (1 page).

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DBP < Sender Initials: SSL/sc Date: July 30, 2004

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citibank® CITIBANK N.A. BR. #852 155 EAST 53RD STREET NEW YORK, NY 10045		
MEMO <u>027,913/000K142</u>		<u>Gabriella V. Karagiozi</u>
+02100000871 43348074		5650

Application No. (If known): 10/027,913

Attorney Docket No.: 03108/000K142-US0

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Amendment In Response to Non-Final Office Action (9 pages) with Exhibit A to Exhibit D;
Amendment Transmittal (1 page);
Fee Transmittal (1 page);
Check in the amount of \$950.00 (Check No. 5650); and
Return postcard.

(W:\03108\000K142000\00198180.DOC #####)

AMENDMENT TRANSMITTAL LETTER				Docket No. 03108/000K142-US0	
Application No. 10/027,913	Filing Date December 20, 2001	Examiner Irene Marx	Art Unit 1651		
Applicant(s): Gojendra Nath BORDOLOI, et al.					
Invention: 2-METHYLHEPTYLISONICOTINATE AND PROCESS FOR PRODUCTION THEREOFs					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	13	- 20 =		x	0.00
Independent Claims	2	- 3 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Extension for response within third month					950.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					950.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> A check in the amount of \$ 950.00 to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 04-0100 as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
<u>Sandra Lee</u> Sandra S. Lee Attorney Reg. No.: 51,932 DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (212) 527-7727				Dated: July 30, 2004	
Express Mail Label No. _____ Dated: _____					

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PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004		Complete if Known	
Effective 10/01/2003. Patent fees are subject to annual revision.		Application Number	10/027,913
		Filing Date	December 20, 2001
		First Named Inventor	Gojendra Nath BORDOLOI
		Examiner Name	Irena Marx
		Art Unit	1651
		Attorney Docket No.	03108/000K142-US0
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$)		950.00	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																			
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<input type="checkbox"/> Deposit Account: Deposit Account Number: 04-0100 Deposit Account Name: Darby & Darby P.C. The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		<table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.7em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>85</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>820*</td><td>1804</td><td>820*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td>650.00</td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,230</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2601</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>840</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	85	Surcharge - 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1. BASIC FILING FEE <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.7em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>770</td><td>2001</td><td>385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>340</td><td>2002</td><td>170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>530</td><td>2003</td><td>265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>770</td><td>2004</td><td>385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (1) (\$) 0.00</p>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	770	2001	385	Utility filing fee		1002	340	2002	170	Design filing fee		1003	530	2003	265	Plant filing fee		1004	770	2004	385	Reissue filing fee		1005	160	2005	80	Provisional filing fee																																																																																																																																													
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.7em;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th colspan="2">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>13</td> <td>40**</td> <td></td> <td></td> <td></td> <td></td> <td>0.00</td> </tr> <tr> <td>Multiple Dependent</td> <td>2</td> <td>40**</td> <td></td> <td></td> <td></td> <td></td> <td>0.00</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.7em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>86</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>200</td><td>2203</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>86</td><td>2204</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (2) (\$) 0.00</p>		Total Claims		Extra Claims		Fee from below		Fee Paid		Independent Claims	13	40**					0.00	Multiple Dependent	2	40**					0.00	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	86	2201	43	Independent claims in excess of 3		1203	200	2203	145	Multiple dependent claim, if not paid		1204	86	2204	43	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																					
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** or number previously paid, if greater. For Reissues, see above		Other fee (specify): _____ *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 950.00																																																																																																																																																																																			

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Sandra S. Lee	Registration No. (Attorney/Agent)	51,932
Signature	<i>Sandra Lee</i>	Telephone	(212) 527-7735
		Date	July 30, 2004

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